

REMARKS

In accordance with the foregoing, claims 1, 3 and 8 have been amended. Claims 15-28 are allowed. No new matter has been introduced by the amendment. Claims 1-28 are now pending. Reconsideration of claims 1-14 is respectfully requested.

OBJECTION TO CLAIMS 3 AND 8-11

At page 3 of the Office Action, claims 3 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 3 and 8 have been rewritten in independent form. Thus, claims 9-11 are deemed to be allowable at least due to their dependency upon independent claim 8. Accordingly, withdrawal of the objection to claims 3 and 8-11 is respectfully requested.

REJECTION OF CLAIMS 1, 2, 4-7 and 12-14 UNDER 35 U.S.C. § 103(a)

At page 2 of the Office Action, claims 1, 2, 4-7 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Elfving et al. (U.S. Patent No. 4,055,053; hereinafter "Elfving") in view of Newton (U.S. Patent No. 3,192,726). This rejection is respectfully traversed.

The Applicant respectfully submits that neither Elfving nor Newton teach or suggest an ice maker comprising "a cooling and heating apparatus to absorb heat on one side of the apparatus's structure, and then distribute the heat on the opposite side of apparatus's structure, wherein the cooling and heating apparatus is in a stationary position...at least one receptacle to receive water for freezing, wherein the receptacle rotates relative to the cooling and heating apparatus..." as in amended claim 1.

FIG. 1 of Elfving discloses a thermoelectric water cooler or ice freezer having upwardly extending fins 42 and 43 entirely submerged in the water to be cooled and whereby heat is removed from the water and transferred to heat dissipating fins 46, 47 and 48. After a predetermined time, a predetermined amount of ice is formed on the fins 42 and 43 and heat leaks to the bottom of fins 42 and 43, thereby allowing ice pieces to float upwardly to the surface (see column 3, lines 51-59 and column 5, lines 28-37).

FIG. 1 of Newton discloses a thermoelectric ice maker having a mold assembly consisting of a mold section 11 and a thermoelectric section 12, wherein the mold section 11 is affixed to a load side of the thermoelectric section. The entire mold assembly is mounted within the cabinet and pivots around its axis from an upright freezing position to a harvest position whereby ice cubes are dropped into a storage receptacle 32 (see column 2, lines 6-59).

The Applicant respectfully submits that neither Elfving nor Newton, individually or combined teach or suggest all of the features recited in claim 1. Thus, Elfving in view of Newton fails to establish a prima facie case of obviousness. Accordingly, claim 1 is deemed to be allowable over Elfving in view of Newton. Therefore, claims 2-14 are deemed allowable at least due to their dependency upon amended claim 1. Thus, withdrawal of the rejection is respectfully requested.

CONCLUSION


In view of the foregoing remarks, it is respectfully submitted that each claim is patentably distinguishable over the prior art and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection, along with the indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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